

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 3, 2003

Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. David Henion, West Side Baptist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 20, 2003 were approved 7 to 0.

AWARDS AND PRESENTATIONS

Proclamations

Proclamations previously approved were presented.

Recognition

Kaelyn Seymour, City Council Office intern, was recognized.

UNFINISHED BUSINESS**HYDROBIOLOGICAL HYDROBIOLOGICAL MONITORING PLAN.**

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 03-0526A.

On October 3, 2000, the Council approved, and instructed staff to begin implementation of, the Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. On March 4, 2003, the Council authorized a project to prepare a Hydrobiological Monitoring Plan to evaluate potential environmental impacts of the projects constructed as part of the ILWS Plan. On May 20, 2003, the Council deferred this item two weeks to request more information on the specific tasks included in the preparation of the Plan.

The projects that will be completed as part of the ILWS Plan do not require an Environmental Impact Statement (EIS), however the Council authorized an EIS in order to provide assurances to interested parties that the City was committed to doing the water supply projects in a manner that causes little or no environmental damage. The EIS predicts that the environment will improve as a result of the projects in the ILWS Plan, mostly because of an increase in "base flow" in the Little Arkansas River which will occur because after the Equus Beds aquifer has been recharged it will discharge more water into the river. However, no one has ever attempted to utilize only excess flows in a river as a water source, or has attempted to use wells to capture only excess flows from a river, so there is an element of doubt about the actual impacts on the river. As a result of their review of the Draft EIS, the U.S. Fish and Wildlife Service and the Kansas Dept. of Wildlife and Parks have recommended that the City establish a Hydrobiological Monitoring (HBM) Plan to measure and monitor any environmental changes that may occur as a result of the projects included in ILWS Plan.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 248

This project will contract for the professional services to needed to prepare the HBM Plan. The plan will be developed in cooperation with the City, the U.S. Fish and Wildlife Service and Kansas Department of Wildlife and Parks. The objectives of the plan will be to:

- Document the existing environmental conditions in the Little Arkansas and Arkansas Rivers.
- Detect if changes in the existing environmental conditions occur.
- Determine if any detected environmental changes are caused by the ILWS Plan or other unrelated causes.
- Provide a scientifically defensible means to evaluate whether the ILWS Plan is causing or significantly contributing to the observed environmental changes.
- Recommend management actions or operations changes to mitigate adverse or enhance beneficial environmental impacts if they occur or are expected to occur.

The HBM Plan will include sampling plans and protocols for monitoring hydrology, water quality, and flora and fauna communities and species habitat in the portions of the rivers or other areas that could be impacted by the facilities and activities included in the ILWS Plan. These activities are beyond the scope of sampling activities currently performed the City or other entities. After the HBM Plan is completed, the City will have to contract for the services necessary to implement the sampling and monitoring activities identified in the HBM Plan.

A Request for Proposals was sent to 62 vendors and advertised using e-procurement. The City received only one proposal in response to the Request for Proposals, from Burns and McDonnell. Staff has reviewed the proposal from Burns & McDonnell, and their proposal meets all of the qualifications and standards established in the Request for Proposals, and recommends that Burns and McDonnell be selected to perform this service. This project will only prepare the Hydrobiological Plan, and a subsequent project will be initiated to actually conduct the hydrobiological sampling and analysis necessary to implement the plan.

The Contract with Burns & McDonnell will not exceed \$86,700. Funding for this effort is included in the CIP in W-549, which has \$7,620,000 allocated in 2003.

David Warren	Director of Water and Sewer, responding to questions, committed that the plan will be implemented with existing Staff.
Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
Motion -- -- carried	Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

NEW BUSINESS

26TH ST. PAVING

PETITION TO PAVE 26TH STREET NORTH, WEST OF MADISON. (District I)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 03-0560.

The Petition has been signed by the developer of Power CDC 3rd Addition, contract buyer of the property. The City of Wichita is the current owner of the property. The paving of 26th Street North, west of Madison is a platting requirement. The improvement district consists of Power CDC 3rd Addition, residential property owned by the City, and several non-City owned homes. Power CDC 3rd Addition represents 65.71% of the improvement district area. The total City owned properties represents 90.4% of the improvement district area. District I Advisory Board sponsored a May 5, 2003, neighborhood hearing on the project. The Board recommended approval of the project with the stipulation that the City Council considers allocating funds to pay the assessments to the non-City owned properties.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 249

Power CDC, Inc. is one of the City's designated non-profit Community Housing Development Organizations. It will be building 30 new homes in Power CDC 3rd Addition. 26th Street North is the south boundary of the addition. State Statutory guidelines provide that district boundaries include all properties within ½ block of the street to be paved. This results in seven non-City owned properties being included in the 26th Street improvement district for a side street assessment. The lots in Power CDC 3rd Addition are to be assessed for both front and side streets.

The estimated project cost is \$355,000, with \$312,000 assessed to Power CDC 3rd Addition, \$9,600 assessed to existing City owned homes, and \$3,400 assessed to non-City owned properties. In addition, \$30,000 is to be paid by the City for intersection pavement. The funding source for the intersection construction is General Obligation Bonds. The assessments to existing City owned homes will be paid by Housing Services Department funds. Funding options include:

1. Assess the project in accordance with the Petition submitted by the developer of Power CDC 3rd Addition.
2. Assess the entire cost to Power CDC Third Addition.
3. Use General Obligation Bond funding to pay the assessments to properties outside Power CDC Third Addition.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Brewer

Council Member Brewer said there has been some concern about how residents in the area could pay the assessments; however, most of these residents will qualify for the Deferral Program.

Motion --

-- carried

Brewer moved that funding option No.1 be selected; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-261

Resolution of findings of advisability and Resolution authorizing improving 26th Street North from the west line of Lot 1, Block 1, Power CDC Third Addition, to and including the intersection of 26th Street North and Madison Avenue; the west half of Madison Avenue, from 26th Street North to the north line of Lot 14, Block 1, Power CDC Third Addition; Piatt Circle, from the north line of 26th Street North to and including the cul-de-sac; and a sidewalk on one side of 26th Street North, from the west line of Lot 1, Block 1, Power CDC Third Addition to Madison Avenue, (north of 26th Street North, west of Grove) 472-83774, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

IRB - YMCA

REDEMPTION OF RECREATIONAL FACILITIES REVENUE BONDS – YMCA. (Districts I & IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0561.

On August 11, 1998 the City Council approved the issuance of Recreational Facilities Revenue Bonds in an amount not-to-exceed \$9 million to the Wichita YMCA. The bond proceeds were used to construct and equip a new YMCA South Branch facility and renovate Camp Hyde. The YMCA is requesting City Council to approve an early call of a portion of the bonds.

Section 302 of the Bond Indenture provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request of the Tenant. The Issuer shall at least 45 days prior to the redemption date give written notice to the Trustee directing the Trustee to call the Bonds. Because of the proximity of the August 1 call date, the Tenant gave notice on May 12, 2003, and has

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 250

requested the City to ratify it. The City received notice from the Tenant of a request to call a portion of the bonds and of the company's intention to redeem \$750,000 on August 1, 2003. Notice has been given to the bondholders.

There is no financial impact to the City resulting from the proposed redemption. The Letter of Credit reimbursement agreement with Bank of America will be the direct source of funds for the redemption. The City will continue to receive its annual administrative service fee as provided for under the Bond Documents.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Mayans moved that the Resolution be adopted; and signatures on the necessary documents be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-262

A Resolution of the governing body of the City of Wichita, Kansas, to call a portion of certain Recreational Facilities Revenue Bonds, Series XI, 1998 (The Young Men's Christian Association of Wichita Project, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

FIREWORKS

FIREWORKS POLICY.

David Pendergraft

Fireworks Task Force Chair reviewed the Item.

Agenda Report No. 03-0562.

On March 4, 2003, the City Council appointed a Fireworks Task Force, comprised of representatives from area District Advisory Boards to develop recommendations on the sale and use of fireworks within the City of Wichita. The Task Force held eight (8) meetings - each having a different and specific topic for discussion and review. Members discussed issues such as: charitable sales, public safety, enforcement challenges, community education, and community acceptance.

In addition to the public hearing segment of each meeting, the Task Force conducted a separate public hearing on May 6, 2003. Interested citizens and representatives of community organizations, together with professional public safety staff, were given an opportunity to voice their opinions/views about the proposed recommendations of the Task Force and Fireworks Policy being considered.

The work of the Task Force involved considerable research relative to fireworks policies in other cities, presentations from experts relative to enforcement issues, information from various organizations dependent upon firework sales for fund raising, and public input. Listed below are the recommendations of the Task Force:

- Amend the current ordinance to reflect current recommendation
- Maintain the use of safe and sane fireworks in Wichita. (6x6 feet. up and out)
- Impose a 2300(11 p.m.) hour fireworks curfew for sale and shooting of fireworks
- Minimum of \$300 fine for illegal fireworks use
- More efficient way of issuing citations
- Stricter enforcement
- Initiation of a pre-Fourth of July media information blitz
- Policy for tent permits - should be in accordance to the City's ordinance (effective from 2004)

In addition to its report, the Task Force considered recommending to the City Council forming a new Task Force in 2004-2005 to review how the (above) recommendations are satisfied and any new policies that might be considered.

Continuance and improvement of past efforts to enforce the existing laws will require allocation of additional personnel, either diverting resources from other patrol activities or requiring overtime in

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 251

order to maintain patrol service levels. Even with additional public safety personnel, enforcement of the after hour and illegal fireworks discharges will be a challenge to effective enforcement without community support.

To enforce the recommendations of the Fireworks Task Force will require strict enforcement utilizing an aggressive enforcement approach by Police and Fire personnel during the week surrounding July Fourth. The cost for additional enforcement is estimated to cost approximately \$17,000 (assuming 16 additional Police Officers and Fire personnel on the streets during designated shifts).

- Mayor Mayans Mayor Mayans stated that celebration of protection of Country and freedom is very important. For patriotic reasons, the Mayor said he believed the City could put up with some of the inconveniences for celebration. The main problem – what is purchased outside the City limits – is not addressed.
- Council Member Brewer Council Member said the City might look at allowing all resources available enforce the existing laws. Also, the City might look at making fireworks the responsibility of the parent, not the child.
- Council Member Lambke Council Member Lambke spoke in favor of approving the recommendations for enforcement the upcoming July 4th.
- It is illegal to use fireworks any place in the County – except within incorporated areas.
- Council Member Martz Council Member Martz said his primary concern was enforcement of the curfew. Simplifying the method of giving citations is good. Additional officers are a concern because of budget constraints. Council Member Martz said he would be more in favor of using current shift officers and making issuance of citations easier.
- Council Member Schlapp Council Member Schlapp expressed concern regarding the already busy July 4th and the additional duties required to enforce a curfew after 11:00 p.m.
- The City needs to look at illegal fireworks being brought into the City. An education blitz is also a great idea.
- Council Member Gray Council Member Gray said speed violation can receive a much lower fine and do much greater damage than illegal fireworks. The current fine should be retained until there is a greater need for an increase in the future. The citation forms should be easier to use.
- Increasing the fine to \$300 would only cause increased danger for enforcement officers.
- Council Member Fearey Council Member Fearey said there have been many telephone calls to the police, and citizens have said they would testify in court; however, citations were not written.
- David Pendergraft David Pendergraft, responding to questions, said the curfew would help avoid certain hours of fireworks discharges.
- Imposing restrictions goes with education. An education program would let the residents know the restrictions. An 11:00 p.m. curfew would allow enforcement officers know that any fireworks discharged were illegal. Increased fines get additional attention. It is believed that additional duties for the officers will decrease with each passing July 4th.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Larry Garcia Fire Chief said the current Ordinance prohibits the use of fireworks in the City. Exemptions have been made to allow certain types to be legal so non-profit organizations can take advantage of fireworks sales in the City. If the Council wanted to fully impose the current Ordinances – all fireworks would be banned on July 4th. The Fire Chief encouraged the City Council to ride with enforcement officers this coming July 4th.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 252

A three-year program was instigated by the Police and Fire Departments with a focus on public education and stepped-up enforcement efforts. Police officers have a greater barrier to issuing citations due to the long citation process.

Terry Shackelford Larry Shackelford said each of the revolutions have ended in rockets. It is a part of tradition to celebrate independence with fireworks. When the River Festival closes, fireworks are displayed. Restrictions are based on the whims of a few and not the needs of many.

Bob Schreck Bob Schreck said a \$50 ticket is "no big deal," but a higher fine gets attention.

Motion -- Mayans moved that the recommendations be returned to the Task Force to be reworked.

Subst. Motion -- Lambke moved that the recommendations be approved and Staff be directed to implement the recommendations. Substitute motion failed 4-3. Nays: Gray, Mayans, Schlapp, Martz.

-- carried Motion carried 4-3. Nays: Lambke, Fearey, Brewer.

PHONE PROGRAM CELLULAR TELEPHONE ALLOWANCE PROGRAM.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 03-0563.

The City has a long-standing practice of providing cellular phones to authorized employees where telecommunications away from office or work site is necessary for employee safety/security, quick response for customer services, reduced travel to and from respective work areas, better management of time, and public safety. Once a cellular phone is authorized and budgeted, each department is responsible for implementing and managing cellular phone use from the multiple-approved carriers. At this time, 151 cellular phones are in use. The average monthly cost is \$53.22.

The City's Policy on cellular telephones (Employee Cellular Telephone Policy) would be subject to change if an allowance program is implemented.

The Mayor has requested a review and consideration of replacing the use of City cellular telephones with an allowance program. After an examination of the listing of phones, their designated use and costs, it appears feasible to consider changing the current policy of issuing City-owned cellular phones to providing an allowance to those users warranting a cell telephone. Reviewing the inventory of current users and their required duties/usage, along with the differing service contract charges, a proposed tiered-allowance approach tailored to two or three levels of users may be the most feasible approach toward implementing an allowance program. For example, the following tiers reflect how such a program could be established:

1. Light Local Users – Employees requiring a cellular phone for limited use primarily because:
 - A. Their work can take them to dangerous areas during all times of day/night; and
 - B. Their work requires they be accessible after hours for callback duties; or
 - C. They spend much of their working shift out of their offices and need to be accessible during office hours (when away) to respond to assistance-type calls, callbacks, changing work locations, and other situations where work flexibility is important.

Examples: Includes some Police staff, child care licensure and inspection staff, information technology service staff, career development staff, environmental inspectors, etc.

For this group, a typical cellular telephone plan offering monthly 250 peak minutes and 1,000 off-peak minutes of airtime in Wichita (and large portions of Kansas) has a base rate of \$35.00.

2. Heavy Local Users – primarily field assigned personnel spending little time in an office or work station who:

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 253

- A. Frequently need to reach City Hall-based staff or work supervisors on the telephone; and
- B. Frequently need to reach contractors and other field-based personnel to carry out their responsibilities.

Examples: Includes some Police staff, field engineers and inspectors, supervisory personnel in Water, Parks, and Public Works.

For this group, a typical plan offering 3,000 minutes monthly has a base rate \$50.

- 3. Heavy Local/Roaming Users – primarily senior/departmental management staff frequently away from their offices on call 24-hours/day, City Council members who need accessibility, and Intergovernmental Relations and Public Information staff who may often travel outside of Wichita.

Examples: Includes designated senior City management staff, Mayor and Council Members, Department Heads, and such positions as the Intergovernmental Relations, Public Information staff, facilities management, etc.

For this group, a plan offering 600 (total) minutes monthly, any time and anywhere, has a typical base rate of \$75.

Other Options – There are a number of options available for consideration with cell phone uses - be it from City-provided cellular phones or through an allowance program. Some of these options are listed.

- a) Using the lowest base tier service plan and allow exceptions to those employees who illustrate the need for additional usage in their working assignments and/or minimizing such use by use of land-line calls wherever possible.
- b) Requiring employees to reimburse the City for all private calls. (This option presents an administrative expense and problems with proper enforcement);
- c) Investigate a “pooled airtime agreement” or purchasing a block of minutes to accommodate differences in usage patterns to avoid additional costs that might be incurred by heavier cell users who exceed their contract time;
- d) Allow designated personnel to use their own personal cell phones and reimburse them for work-related calls.

Likewise, it may be possible that if the City, along with the County and Schools, could join together to negotiate cellular phone service contracts, additional savings or cost reductions may result to all jurisdictions.

The above three-tiered allowance program offers flexibility to meet the current uses/needs –with a few exceptions – and could be implemented based on a competitive monthly service rate - using the current rates of \$35/\$50/\$75 - as examples of how a tiered program could be initiated.

Implementation: If an allowance program is implemented, the initial steps would be to review the current uses and users of assigned cellular telephones to ascertain if the designated position requires a cell phone to effectively carry out the employee’s responsibilities, the appropriate tier rate that best fits the requirements and needs of the position. It is possible that some users may not fit precisely within these categories and may experience higher cellular telephone usage at points-in-time, i.e. seasonal work, assignments out of town (i.e. Intergovernmental Relations, etc.). In those instances, the individual could submit for reimbursement of extraordinary costs on a case-by-case basis with proper supporting documentation. Likewise, a small number of City cellular telephones are shared among a number of employee users/shifts and may be retained, but limited to local base service only. Implementation of the allowance program would have to be phased-in until all current cellular telephone contracts expire to avoid any penalties.

Based on initial evaluations of usage, it is projected that of the current 151 authorized cellular phones, the breakdown of users generally would be as follows:

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 254

Allowance	# Users
\$35/mo	81
\$50/mo	50
\$75/mo	20

If all of the current users were offered the cell telephone allowance, assuming of course, that there will be no reductions, the resulting average monthly cost across all users would be \$45.26. Using this number of users and tier cost assignments, this would produce an average savings of \$7.96, or \$14,414.64 (minimal) annually for all currently authorized cellular telephones (spread across all funds within the budget). Like any allowance, the cellular telephone allowance would subject the employee to income taxation (employees would be eligible to deduct any business expenses if they itemize on their tax return).

During this budget session, cell phones are being evaluated to ascertain the current need by users. Undoubtedly, there will be a reduction in the number of cellular phone uses with the reductions in operating and overhead costs. Even with the three-tiered program, anticipated savings will occur because of these budget reduction scenarios.

Ray Trail

Director of Finance, answering questions, said the City currently has a moratorium regarding cell phones. The City also expects to see some decline in the overall number of cell phones. A possible approach would be discussion with County and School District officials regarding joint RFPs. The City is also look at multiple or single contracts.

There are cell phones that are prepaid, some with calling cards and prepaid minutes, and some that provide local service only.

Every user will be evaluated for the kind of service needed.

If this matter is to come back to the City Council before a Program is to be implemented, it might be best to answer questions as the matter proceeds through the budget process, and after dialogue with the County and School District. The final recommendations should be ready by the first to middle part of August.

Discussion

Discussion was had with consensus that Staff should do additional research and study in to available options, and discussions should be held with the County and U.S.D. 259.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Paul Tobia

Paul Tobia asked whether there would be savings with the proposed program.

Mayor Mayans

Mayor Mayans explained the expected minimum savings of \$14,000 per year.

Bill Blasey

Bill Blasey said a look should be taken at available options including wireless products.

Motion --

Mayans moved that the cellular telephone concept be approved; and Staff be instructed to do additional research and study regarding available options, and have discussions with Sedgwick County and U.S.D. 259; and the recommendations be returned to the City Council. Motion carried 7 to 0.

-- carried

CITYARTS

CHANGE ORDER FOR CITYARTS BUILDING.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0564.

On March 4, 2003, the City Council approved the relocation of the CityArts facility to Old Town.

As the CityArts project has proceeded to design and review by the Design Council, an opportunity has been identified to expand the new facility to add a roof top space above the three story building as a

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 255

venue for large group gatherings. This special event area would be an outdoor space with a covering canopy that would allow for more rental activities and use-flexibility in addition to having a unique view of Old Town and the Plaza area. The estimated cost of the proposed CityArts roof top event space and signage is \$397,860. Rental income on the roof top space would enhance the CityArts operating revenues increasing the facility's financial self-reliance in future years (Note: few park and recreation facilities generate revenue totally offsetting operating expenses; the additional revenue generating space will serve to reduce future operating tax subsidies).

Finance staff has been developing prospects for debt re-financings on several outstanding bond issues. It is projected that these re-financings will provide a savings to the capital program in an amount sufficient to cover the cost of the infrastructure enhancements offered in connection with the recent bond package for an economic development project (approximately \$300,000), the cost of this change order, with a substantial residual that can be incorporated into future Capital Improvement Program financing on other projects as well.

Ray Trail Director of Finance explained that an amount not-to-exceed \$110,000 would allow work to be completed to preserve the option for the remainder of the work to be completed at a later date.

This change was initiated by the City – not the developers. The dollar amount proposed is within the amount it should be. The City has unit prices, based on the original bid, that gives Staff the amounts that should be allowed on change orders.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion -- Fearey moved that a change order be approved for the footings and work to allow for future expansion in an amount not to exceed \$110,000; and that Staff be encouraged to get the amount as close as possible to \$96,000; the necessary signatures be authorized; and the Resolution be adopted. Motion -- carried carried 5 to 2. Lambke, Martz – No.

RESOLUTION NO. 03-263

A Resolution authorizing expanding the new facility to add a roof top space above the three story building as a venue for large group gatherings, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

CITY COUNCIL AGENDA

TRAVEL APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES GOVERNING BODY MEETING IN DODGE CITY, JUNE 12-13, 2003

Motion -- carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS BOARD APPOINTMENTS.

Motion -- Gray appointed Ed Sunquist (MAPC) and Brian Dehler (DAB IV), and moved that the appointments be -- carried approved. Motion carried 7 to 0.

Motion -- Martz appointed Ron Marnell (MAPC); Jack Graham (Police and Fire Retirement); Marvin Fisher (Wichita Employees Retirement); Bill Hagggar, (Wichita Public Building Commission); Ed Murabito (Construction Standards); Ronda Limm-Louderman (Library); Fran Hoggatt (DAB V) and moved that -- carried the appointments be approved. Motion carried 7 to 0.

Motion -- Schlapp appointed Ray Frederick (DAB II) and M.S. Mitchell (MAPC) and moved that the -- carried appointments be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 256

CONSENT AGENDA

Mayans moved that the Consent Agenda, except Items 10 and 24, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 2, 2003.

Bids were opened May 23 and May 30, 2003.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Water distribution system to serve Woodland Lakes Third Addition - north of Harry, west of 127th Street East. (448-89785/735128/470798) Does not affect existing traffic. (District II)

Nowak Construction - \$74,918.92

Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89820/735126/470796) Does not affect existing traffic. (District II)

Mies Construction - \$15,454.25

Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89821/735127/470797) Does not affect existing traffic. (District II)

WBW Contractors - \$15,892.50

Lark, from the south line of Pawnee Avenue to the south line of Atlanta; Atlanta from the east line of Lark Lane, east to and including cul-de-sac; Westgate, from the south line of Atlanta Court, south to the west line of the plat; Westgate Court (Lots 22 thru 39, Block A), from the east line of Westgate east to and including cul-de-sac; Yosemite from the west line of Maize Road, west to the west line of the plat; Yosemite Court from the north line of Yosemite, north to and including cul-de-sac; Lamp, from the north line of Yosemite north to and including cul-de-sac; Sidewalk on Lark, Atlanta, Westgate, Yosemite, and within Reserve "C" to serve Southern Ridge Addition - south of Pawnee, west of Maize. (472-83681/765778/490889) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

APAC – Kansas Inc. - \$455,805.80

Wellington, from 27th to 29th Street North to serve Montrose Addition, Montrose Park Addition, and Bud Palmer Addition - south of 29th Street North, west of Broadway. (472-83481/765716/490827); Park Place, from 27th to 28th Street North to serve Montrose Park Addition - south of 29th Street North, west of Broadway. (472-83479/765720/490831) AND 28th Street North from the east line of Fairview to the west line of Wellington Place and from the east line of Wellington Place to the west line of Park Place to serve Montrose Park and McCoskey Additions - south of 29th Street North, west of Broadway. (472-83480/765719/490830) Traffic to be maintained during construction using flagpersons and barricades. District VI)

Kansas Paving Company - \$235,057.90 (Total aggregate bid)

Lateral 142, Main 4, Sanitary Sewer #23 to serve Jones Park Addition - south of 37th Street North, west of Broadway. (468-83603/743983/480671) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wichita Excavation - \$9,725.00

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 257

Kellogg (US 54) and Rock Road Interchange Part 2: Reinforced Concrete Box Bridges on Armour Tributary to Dry Creek and on Gypsum Creek - Kellogg & Rock Road. (468-83631/702324/401341) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Sherwood Construction - \$2,604,724.40

Cherry Creek from the east line of 127th Street East to Sierra Hills; Horseback from the north line of Cherry Creek to the north line of Sierra Hills Addition; Sierra Hills from Cherry Creek to the east line of Lot 17, Block 2, Sierra Hills/Sierra Hills Circle, from Cherry Creek to and including cul-de-sac; Sierra Hills Court from the west line of Sierra Hills to and including cul-de-sac (Lots 28-35, Block 5); Triple Crown from the east line of Sierra Hills to the north line of Lot 4, Block 4; Triple Crown Court from the south line of Triple Crown to and including cul-de-sac; Sidewalk on one side of all through, non cul-de-sac streets and the loop street of Sierra Hills, Triple Crown and Mt. Vernon. Horseback Street shall be paved with a temporary cul-de-sac at the north line of the addition to serve Sierra Hills Addition - east of 127th Street East, north of Pawnee. (472-83703/765791 /490902) Does not affect existing traffic. (District II)

Kansas Paving Company - \$667,062.15

Water line relocations in Central, from Maize to Tyler - along Central between Maize and Tyler. (448-89795/636122/773518) Traffic to be maintained during construction using flagpersons and barricades. (District V)

WB Carter Construction - \$180,131.00

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Mowers. (130807)

Turf Professional Equipment Co. - \$15,999.00 (Total net bid/Group 1)
Wichita Tractor Co. - \$9,112.00 (Total net bid/Group 2)
 <\$1,400.00> (Total net bid/Group 2/Option 1 <Deduct>)
Turf Professional Equipment Co. - \$115,185.00 (Total net bid/group 3)
Price Bros Equipment Co. - \$35,203.98 (Total net bid/group 4)
Wichita Tractor Co. - \$6,248.00 (Total net bid/group 5)

PUBLIC WORKS DEPARTMENT AND WATER & SEWER DEPARTMENT: Ice Making Machines. (132225 & 183327)

Sunflower Restaurant Supply - \$10,800.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Rebar. (130849)

Carter Waters Corporation - \$0.2190 (Group 1 – ¾ inch/per ft)
 \$0.1150 (Group 1 – ½ inch/per ft)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Quadex Aluminaliner. (620370)

Quadex Inc. - \$17,553.76 (Total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Disc Brush Chipper. (132233)

Vegetation Management Supply Inc. - \$19,775.00 (Total net bid)
 \$ 80.00 (83 HP-Add)

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 258

PARK DEPARTMENT/RECREATION DIVISION: Replace Sod at Barry Sanders Field. (785037)

Green Glo Turf Maintenance Inc. - \$30,469.00 (Total net base bid /Group 1)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Construction Taxiway "N" Project 452-236. (501071)

Ritchie Paving and Construction Inc. - \$6,884,884.70* (Total net base Bid/Group 1)

\$ 131,180.00* (Total net bid Group 3/Option 2)

*Subject to FAA approval

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Fluorescent and Incandescent Lamps. (037200)

W.W. Grainger Inc. – Contract as needed basis* (U.S.D. 259)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

FINANCE DEPARTMENT – IT/IS DIVISION: Citrix Xpe 20 User Connection Licenses/RQ300888. (035105)

Choice Solutions - \$26,830.00* (Per State of Kansas Contract Pricing Contract Number: 01171).

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

FINANCE DEPARTMENT – IT/IS DIVISION: New Citrix Servers/RQ300873. (035105)

Hewlett Packard - \$12,833.00* (WSCA Contract Number: 90-00151)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

FINANCE DEPARTMENT – IT/IS DIVISION: Citrix Project/RQ300874. (035105)

Software Spectrum - \$10,426.80* (As per State of Kansas Contract Acct#1283189)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

(Item 10)

LICENSE APPS.

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Sharla Elmore Millineum Entertainment 2415 South Glendale

Council Member Schlapp Council Member Schlapp said this is not the kind of business she would like to have in Wichita, and there should be a way to keep them from coming into the City.

Motion --
-- carried

Brewer moved that the license be approved, subject to Staff review and approval. Motion carried 6 to 1. Schlapp – No.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 259

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Juvenal G. Fernandez	La Mexicana Restaurant*	408 West 21st Street

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Kulwinders Jaswal	Jaswal LLC dba Petro American Quick Mart	2700 North Amidon
Loan H. Le	KC Gas & Groceries #1	1102 West Maple
Saced Mansouri	A.M. Conoco	12728 East Central
Mark Branham	Quiktrip #313	3164 South Hillside
Mark Branham	Quiktrip #320	1021 West 31st Street South
Mark Branham	Quiktrip #321	6011 West Central
Mark Branham	Quiktrip #325	1414 North Oliver
Mark Branham	Quiktrip #326	2010 South Broadway
Mark Branham	Quiktrip #328	2801 South Hydraulic
Mark Branham	Quiktrip #329	5602 East Harry
Mark Branham	Quiktrip #343	242 South Tyler
Mark Branham	Quiktrip #345	4020 South Meridian
Mark Branham	Quiktrip #347	1532 South Seneca
Mark Branham	Quiktrip #349	1112 West Douglas
Mark Branham	Quiktrip #353	110 South Rock Road
Mark Branham	Quiktrip #356	4808 South Hydraulic
Mark Branham	Quiktrip #358	7120 West 21st Street North
Mark Branham	Quiktrip #360	3933 West 13th Street
Mark Branham	Quiktrip #366	1620 South Webb Road
Mark Branham	Quiktrip #368	626 West 21st Street North
Mark Branham	Quiktrip #369	3216 East Harry
Mark Branham	Quiktrip #372	3106 East Pawnee
Mark Branham	Quiktrip #373	1610 East Lincoln
Mark Branham	Quiktrip #374	10315 West 13th Street
Mark Branham	Quiktrip #376	2106 South Rock Road
Mark Branham	Quiktrip #378	5611 South Broadway
Mark Branham	Quiktrip #383	11223 East Central
Mark Branham	Quiktrip #384	2510 West Pawnee
Mark Branham	Quiktrip #386	1010 East Douglas Avenue
Mark Branham	Quiktrip #388	7991 East 37th Street North
Mark Branham	Quiktrip #389	4730 East Central
Mark Branham	Quiktrip #391	730 North Broadway
Mark Branham	Quiktrip #396	333 South West Street

<u>New Establishment</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Sean Huynh	Kimson Asian Food Market	960 East Pawnee
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Mayans moved that the licenses be approved, subject to Staff review and approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 260

PRE. ESTIMATES

PRELIMINARY ESTIMATES:

- a) Lateral 345 Four Mile Creek Sewer to serve Woodland Lakes Third Addition - north of Harry, west of 127th Street East. (468-83588/743986/480674) Does not affect existing traffic. (District II) - \$438,000
- b) Lateral 320 Four Mile Creek Sewer to serve Brentwood South Addition - north of Pawnee, east of Webb). (468-83354/743981/480669) Does not affect existing traffic. (District II) - \$100,000
- c) Storm Water Sewer #580 to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83551/751325/485216) Does not affect existing traffic. (District V) - \$304,000
- d) Water distribution system to serve Brentwood South Addition - north of Pawnee, east of Webb. (448-89636/735121/470791) Does not affect existing traffic. (District II) - \$67,000
- e) Forestview from the north line of the plat, south to the north line of Lot 43, Block A; Forestview Court (Lots 5 through 18, Block A) from the west line of Forestview, west to and including the cul-de-sac; on Forestview Court (Lots 19 through 32, Block A) from the west line of Forestview, west to and including the cul-de-sac; Forestview Court (Lots 33 through 43, Block A) from the west line of Forestview, west to and including the cul-de-sac; Sidewalk on one side of Forestview to serve Liberty Park Addition - south of 13th Street North, east of 135th Street West. (472-83653/765768/490879) Does not affect existing traffic. (District V) - \$314,000
- f) Storm Water Drain #192 to serve Tara Falls Addition - south of Harry, east of Greenwich. (468-83527/751328/485219) Does not affect existing traffic. (District II) - \$246,000
- g) Hillside improvement, between 17th Street and 21st Street (472-83537/706842/202308) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,980,000
- h) Aksarben from the north line of the plat, south to the north line of Ponderosa; on Ponderosa from the west line of Aksarben, east to the east line of the plat; Aksarben Court (Lots 1 through 6, Block A) from the west line of Aksarben, west to and including the cul-de-sac; on Aksarben Court (Lots 7 through 14, Block A) from the west line of Aksarben, west to and including the cul-de-sac; on Aksarben Court (Lots 1 through 10, Block D) from the east line of Aksarben, east to and including the cul-de-sac; on Aksarben Court (Lots 11 through 24, Block D) from the east line of Aksarben, east to and including the cul-de-sac; and on Ponderosa Court, from the north line of Ponderosa, north to and including the cul-de-sac; Sidewalk on one side of Aksarben and Ponderosa to serve Copper Gate Estates - south of 13th Street North, west of 135th Street West. (472-83669/765769/490880) Does not affect existing traffic. (District V) - \$384,000
- i) (Amended) - cost of Lateral 339, Four Mile Creek Sewer to serve The Executive at White Tail Addition - south of 13th Street North, east of K-96. (468-83523/743973/480-661) (District II) – Total Estimated Cost \$25,070

Motion -- carried

Mayans moved that the preliminary estimates be received and filed. Motion carried 7 to 0.

COST STATEMENTS

STATEMENTS OF COST:

- a) Improving NE Soccer and Baseball Complex. Total Cost - \$1,199,392.00 (less idle fund interest - \$13,911.00; plus temporary financing - \$4,875.00; less financing previously issued - \$1,183,006). Financing to be issued at this time - \$7,350 (785001/390-132).
- b) 2001 Park Land Acquisition and Development. Total Cost- \$244,389.00 (plus idle fund interest - \$3,271.00 plus temporary financing - \$2,667.00; less financing previously issued - \$250,000). Financing to be issued at this time - \$327. (785019/391-151).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 261

- c) Meadow Park Improvements. Total Cost - \$30,000. (plus idle fund interest - \$493.00; less financing previously issued - \$23,000). Financing to be issued at this time - \$7,493.00. (785022/391-154).
- d) Lawrence Dumont Stadium. Total Cost - \$3,375,348.53. (plus idle fund interest - \$38,745.05; plus temporary financing - \$35,378.42; less other financing - \$3,255,042). Financing to be issued at this time \$194,430. (792051/358-234).
- e) (Amended) Improving 37th Street North from the east line of Ridge Road, east to the easterly most drive serving Lot 1 to serve Ridge Port North Addition - south of 37th Street North, east of Ridge. Total Cost - \$104,837.12 (plus idle fund interest - \$1,619.13, plus temporary note interest - \$768.75). Financing to be issued at this time - \$107,225.00. (765689/472-83114/490-800).
- f) (Fifth Partial) Estimate of Cost for Performance Contracting - \$2,565,000; less financing previously issued - \$2,365,000. Financing to be issued at this time - \$200,000. (792338/N.A./435-308).
- g) (First Partial) Estimate of Cost for N.E. Baseball Complex - \$30,000; less financing previously issued - \$0. Financing to be issued at this time - \$30,000. (792352/435-322).
- h) (First Partial) Estimate of Cost for CMF Expansion - \$100,000; less financing previously issued - \$0. Financing to be issued at this time - \$100,000. (792369/435-339).
- i) (Second Partial) Estimate of Cost for the South Regional Library - \$3,465,000; less financing previously issued - \$3,015,000.. Financing to be issued at this time - \$450,000. (792372/435-342).
- j) (First Partial) Estimate of Cost for City Hall Fire Alarm Upgrade - \$225,000; less financing previously issued - \$0. Financing to be issued at this time - \$225,000. (792373/435-343).
- k) (Second Partial) Estimate of Cost for the North Regional Library - \$420,000; less financing previously issued - \$220,000. Financing to be issued at this time - \$200,000. (792374/435-344).
- l) (Second Partial) Estimate of Cost for Fire Equipment Replacement - \$3,183,396; less financing previously issued - \$111,479. Financing to be issued at this time - \$3,071,917. (792377/435-347).
- m) (First Partial) Estimate of Cost for Homeland Defense Readiness Center - \$271,244; less financing previously issued - \$0. Financing to be issued at this time - \$271,244. (792379/435-349).
- n) (First Partial) Estimate of Cost for Fire Station Relocation - \$50,000; less financing previously issued - \$0. Financing to be issued at this time - \$50,000. (792389/435-359).
- o) (Third Partial) Estimate of Cost for the Central Riverside Park - \$2,362,000; less financing previously issued - \$362,000. Financing to be issued at this time - \$2,000,000. (785016/390-148).
- p) (First Partial) Estimate of Cost for 2002 Park Lighting - \$10,000; less financing previously issued - \$0. Financing to be issued at this time - \$10,000. (785026/392-158).
- q) (First Partial) Estimate of Cost for Garvey Park - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (785899/399-121).
- r) (Second Partial) Estimate of Cost for Kellogg/Tyler Freeway Improvements - \$32,488,825; less financing previously issued - \$18,000,000. Financing to be issued at this time - \$14,488,825. (700906/400-200).
- s) (Second Partial) Estimate of Cost for Kellogg/Woodlawn Freeway Improvements - \$8,661,175; less financing previously issued - \$8,400,000. Financing to be issued at this time - \$261,175 (700773/401-212).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 262

t) (Second Partial) Estimate of Cost for Kellogg/Rock Road Freeway Improvements - \$33,550,000; less financing previously issued - \$3,300,000. Financing to be issued at this time - \$30,250,000. (700757/401-311).

Motion -- carried Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

EASEMENT

DEEDS/EASEMENT:

a) Sanitary Sewer Easement and Agreement from Sedgwick County for a tract of land in Lot 2, Block A, Sedgwick County Zoo Second Addition, Sedgwick County, Kansas (Basin 4 Force Main, OCA #743990). No cost to City.

Motion -- carried Mayans moved that the Easement and Agreement be received and filed. Motion carried 7 to 0.

PETITIONS

WATER DISTRIBUTION SYSTEM TO SERVE SOUTHERN RIDGE ADDITION - SOUTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 03-0565.

On February 4, 2003, the City Council approved a Petition to construct a water distribution system to serve Southern Ridge Addition. The project was partially funded by the Water Utility because the waterline was to be oversized to serve future development outside the improvement district. It has since been determined that the over-sizing is not necessary. The developer has submitted a new Petition to eliminate the Water Utility funding. The signature on the Petition represents 100% of the improvement district.

The project will serve a residential development located south of Pawnee, west of Maize.

The original Petition totaled \$238,000 with \$3,000 paid by the Water Utility and \$235,000 by special assessments. The new Petition totals \$230,000 with the total assessed to the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-267

A Resolution amending Resolution No. 03-055 pertaining to the construction of Water Distribution System Number 448-89765 (south of Pawnee, west of Maize) in the City of Wichita, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

SANITARY SEWER TO SERVE TYLER'S LANDING ADDITION - SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (District V)

Agenda Report No. 03-0566.

On January 7, 2003, the City Council approved a Petition to construct a water distribution system to serve Tyler's Landing Addition. A new Petition has been submitted to expand the assessment district to include two additional tracts. The signatures on the Petition represent 100% of the improvement district.

The project will serve a residential development located south of 37th Street North, east of Tyler.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 263

There is no impact on the project budget.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-268

Resolution of findings of advisability and Resolution authorizing construction of Lateral 491, Southwest Interceptor Sewer (south of 37th Street North, east of Tyler) 468-83578), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE FRIENDS UNIVERSITY THIRD ADDITION – NORTH OF KELLOGG, EAST OF MERIDIAN. (District IV)

Agenda Report No. 03-0567.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new university residence building.

The Petitions total \$57,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-269

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89824 (north of Kellogg, east of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-270

Resolution of findings of advisability and Resolution authorizing improving St. Clair from the north right-of-way line of Kellogg Drive to the centerline of vacated Taft. Sidewalks to be constructed on both sides (north of Kellogg, east of Meridian) 472-83766, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE SHELLY'S ORCHARD ADDITION – EAST OF MAIZE, NORTH OF PAWNEE. (District V)

Agenda Report No. 03-0568.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 264

These projects will provide paving, sanitary sewer, and water service to a new residential development.

The Petitions total \$382,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-271

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89840 (east of Maize, north of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-272

Resolution of findings of advisability and Resolution authorizing construction of Lateral 493, Southwest Interceptor Sewer (east of Maize, north of Pawnee) 468-83641, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-273

Resolution of findings of advisability and Resolution authorizing improving Rita, from the east line of Maize Road to the south line of Jewell; Jewell, from the west line of Rita to the east line of Crestline; Jewell Circle, from the west line of Rita, to and including cul-de-sac (Lots 4 - 9, Block 1); Jewell Circle, from the east line of Crestline to and including cul-de-sac (Lots 18 - 27, Block 1); and Crestline, from the north line of Lots 34, Block 2, to the south line of Jewell, (east of Maize, north of Pawnee) 472-83783, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BOARDS MINUTES MINUTES OF THE ADVISORY BOARDS & COMMISSIONS

District III Advisory Board, January 8, February 5, March 5, March 19, April 2, and May 7, 2003
Alternative Correctional Housing Advisory Board, February 27, 2003
District VI Advisory Board, March 3, April 7, and April 16, 2003
Wichita Public Building Commission Board, March 12, 2003
Wichita Employees' Retirement System, March 19, 2003
Housing Advisory Board, March 25, 2003
Police & Fire Retirement Board, March 26, 2003
Wichita Airport Advisory Board, April 7, 2003
Board of Park Commissioners, April 14, 2003
Wichita Public Library Board, April 15, 2003
Board of Park Commissioners, May 12, 2003

Motion --carried

Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 265

RESPREAD AGMT. RESPREAD ASSESSMENTS – CHAPEL HILL SECOND ADDITION – NORTH OF 13TH STREET NORTH, EAST OF GREENWICH. (District ii)

Agenda Report No. 03-0569.

The landowners, The Board of Trustees of Chapel Hill Fellowship of the United Methodist Church; Chapel Hill Fellowship, a United Methodist Church, Inc. and Chapel Hill Village, L.L.C., platted Chapel Hill 2nd Addition and have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

Motion -- Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

BRIDGE INVENTORY STRUCTURAL INVENTORY AND APPRAISAL OF 244 BRIDGES.

Agenda Report No. 03-0570.

Every two years, the Federal Highway Administration and the Kansas Department of Transportation (KDOT) require the Structural Inventory and Appraisal of all bridges and box culverts maintained by the City of Wichita. The City's previous inspection report was submitted in 2000. The inspections are required to maintain eligibility for Federal funding for bridge repair and replacement projects, to aid in developing and performing maintenance programs and to prioritize projects for maintenance and Capital Improvement funding.

On April 18, 2002, the Staff Screening and Selection Committee selected Cook, Flatt & Strobel Engineers, P.A. (CF&S) to provide the inspection report for 2002. KDOT approved of the selection and prepared a 3-party Agreement between KDOT, the City and CF&S.

Payment to CF&S will on a cost plus basis not to exceed \$21,825.00 and will be paid from budgeted Gas Tax Funds. KDOT will reimburse the City for 80% of the cost.

Motion -- Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

GROUNDWATER GROUNDWATER REMEDIATION COMPLIANCE. (District VI)

Agenda Report No. 03-0571.

Camp Dresser & McKee (CDM) has provided professional environmental engineering services for the Brooks Landfill Groundwater Remediation project since 1995. CDM performed groundwater analysis and designed the remediation system currently in operation. The Contract provides for continued advice and interpretation of monitoring results and regulatory compliance information required by KDHE.

In the Regulatory Compliance Contract, CDM will assist City staff in remediation performance evaluation and system efficiency. Through detailed evaluation and system adjustments, operational efficiencies can be maximized, and operating costs reduced, while maintaining regulatory treatment mandates. In addition, CDM will prepare two Statistical Analysis and Monitoring Reports recently requested by KDHE. The cost of the Contract is not to exceed \$52,500.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 266

Funding is available in the 2003 Landfill Budget. Funding for the Regulatory Compliance Contract is available from \$250,000 allocated for Groundwater Remediation System maintenance.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SPRING BRANCH

SPRING BRANCH MASTER DRAINAGE PLAN. (District II)

Agenda Report No. 03-0572.

Spring Branch is a tributary to Four Mile Creek located in southeast Wichita, generally south of Kellogg and east of Webb Road. For many years, citizens living in the older neighborhoods in this basin have complained that flooding has increased as new development has occurred.

This study will examine the runoff characteristics of the basin to establish historical flooding limits and what can be expected as development of the basin continues into the future. Flood mitigation recommendations will be made which could include structural (bridges, channels, etc) and non-structural (flood plain management) measures.

The City issued a "Request for Proposals" for this study and received proposals from several consulting firms. The City's Staff Screening and Selection Committee interviewed interested consultants and ultimately selected Professional Engineering Consultants, P.A. (PEC), Wichita, Kansas, to do the study.

On May 6, 2003, the City Council authorized this study in the amount of \$125,000 (Project No. SW-863001). The professional services agreement with PEC proposes to complete the study for a not to exceed fee of \$76,058.50.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FOSSIL RIM ESTATES CONSTRUCTION ENGINEERING AND STAKING FOR FOSSIL RIM ESTATES ADDITION – EAST OF TYLER, SOUTH OF 29TH STREET NORTH - SUPPLEMENTAL. (District V)

Agenda Report No. 03-0573.

The City Council approved the project on May 21, 2002. On September 10, 2002, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Fossil Rim Estates Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$42,100 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

REMINGTON PLACE CONSTRUCTION ENGINEERING AND STAKING FOR REMINGTON PLACE ADDITION – EAST OF WEBB, SOUTH OF 21st STREET – SUPPLEMENTAL. (District II)

Agenda Report No. 03-0574.

The City Council approved the project on April 24, 2001. On February 11, 2003, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 267

Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements in Remington Place Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$86,000 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SIERRA HILLS AND EQUESTRIAN EST.

CONSTRUCTION ENGINEERING AND STAKING FOR SIERRA HILLS AND EQUESTRIAN ESTATES ADDITIONS – EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0575.

The City Council approved the project on February 11, 2003. On March 18, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Sierra Hills and Equestrian Estates Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$48,000 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SENECA

SENECA FROM TEXAS TO MCLEAN - SUPPLEMENTAL. (District IV)

Agenda Report No. 03-0576.

On August 18, 1998, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) design Seneca Street improvements from Texas to McLean. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering for the landscaping on Seneca from Maple to 3rd Street. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$7,100 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 268

HANLEY COMM.

RESPREAD ASSESSMENTS – HANLEY COMMERCIAL ADDITION – WEBB FROM CENTRAL TO 29TH STREET NORTH. (District II)

Agenda Report No. 03-0577.

The landowner, Cambridge Market, L.L.C., has submitted an Agreement to respread special assessments within Hanley Commercial Addition.

The land was originally included in an improvement district for a water distribution system. The purpose of the Agreement is to respread the special assessments to reflect changes in the division of land.

There is no cost to the City.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER TREATMENT WATER TREATMENT PLANT TASTE AND ODOR CONTROL.

Agenda Report No. 03-0578.

City Council approved selecting an engineering firm for design services on February 4, 2003, to design improvements for the water treatment plant that would reduce a source of taste and odor complaints. The design project consists of new pumps and a new force main to transfer residual treatment plant solids from the water treatment plant to existing nondischarging lagoons that are located at 29th Street North and West Street.

Proposals were received from four firms. The Staff Screening and Selection Committee met on April 24, 2003, and selected MKEC based on their proposal and interview.

The Contract amount is \$169,540 for Engineering Design Services. Estimated cost for the project, including design fees, is \$3,500,000. Funding is available in CIP W-888, Water Treatment Plant Washwater and Filter Backwash Removal.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT ENCR.

EASEMENT ENCROACHMENT – GREEP. (District VI)

Agenda Report No. 03-0579.

The Agreement allows Rick A. & Susan D. Grep to occupy and construct, improvements on, over, and across the aforesaid public utility easement 10 feet in width described as the east 10 feet of Lot 4, Block B, Donna's 3rd Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a concrete wall with a fence on top along the east line, thence west along the north line approximately 25 feet, all in Lot 4, Block B, Donna's 3rd Addition. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 269

WATER PLAN

WATER MASTER PLAN.

Agenda Report No. 03-0580.

The City is projected to provide treated drinking water to 438,000 people by the year 2010. To ensure that future water needs are met, the Water & Sewer Department updates the Water Master Plan for the Water Utility approximately every five (5) years. The most recent Plan was updated in 1998.

The Water & Sewer Department uses master planning for a long range plan to improve and expand its water utility. Master Plans help to keep pace with growth, provide for additional development, and continue to assure a high quality service for customers.

Requests for Proposals were sent to engineering firms with four (4) firms responding. The Staff Screening & Selection Committee met on April 24, 2003, and heard the presentations. Burns & McDonnell was selected to provide services for the Master Plan.

Water Master Plan (CIP W-526) has a budget of \$500,000. The cost for the study by Burns & McDonnell is \$114,711.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIR QUALITY

AIR QUALITY PROGRAM GRANTS RENEWAL.

Agenda Report No. 03-0581.

Since 1972 the Wichita-Sedgwick County Department of Community Health has received grant funding from the Environmental Protection Agency to operate a local air quality program. Additional funding, from the Kansas Department of Health and Environment, has been provided since 1994. Program objectives include inspection of air pollutions sources, air monitoring for criteria pollutants and toxic compounds, indoor air quality investigations, complaint investigations, responding to hazardous materials spills, and educational activities which include presentations on air quality issues and development of the Environmental Health web site (www.wichitagov.org/health/health.asp).

Three separate grants allow the Department of Environmental Health to provide comprehensive air quality services that address public health and environmental protection issues. This Federal and State support allows a level of service that would be difficult to provide utilizing only local funding. The local program has been in existence for thirty-one years, and the Health Department has maintained good working relationships with EPA & KDHE staff during this time. Continued cooperation is essential in dealing with the air quality issues inherent in a growing urban area such as the Wichita metropolitan area.

Four Air Quality Program positions are funded through the three grants. Support staff and office space are provided by the City of Wichita as a 40% local match for the EPA Section 105 grant. The KDHE grant and the EPA PM2.5 (fine particulate) grant do not require local matching funds. The EPA grants are directed through KDHE to the City of Wichita.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ARTERIAL STREET

2003 ARTERIAL STREET AND WATERLINE REPLACEMENT. (Districts I, II, V, and VI)

Agenda Report No. 03-0582.

The 2003 Capital Improvement Program includes funding for arterial street, and waterline design projects. The Staff Screening and Selection Committee has selected design engineers for each project.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 270

The projects to be designed, the design engineer, and the design fees are:

29th Street North, ½ mile west of Maize Road to Maize Road - Baughman Co. \$62,500

Woodlawn; Central to 13th - Poe & Associates \$139,775

Tyler at Yosemite - Poe & Associates \$25,860

1st Street at Hydraulic - Ruggles & Bohm \$11,400

3rd Street Waterline; Little Ark River to St. Francis - Wilson & Co. \$46,000

Morningside area waterline replacement - Ruggles & Bohm \$29,610

McKnight area waterline replacement - Ruggles & Bohm \$33,950

The paving project budgets total \$330,000. The funding source is General Obligation Bonds. The waterline projects are funded by the Water Utility.

Motion --
-- carried

Mayans moved that the projects, Agreements, and first reading of the Ordinances be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersection of First Street at Hydraulic (472-83750) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring 29th Street North, from one-half mile west of Maize Road to Maize Road (472-83752) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring the intersection of Tyler at Yosemite (472-83757) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring Woodlawn, from Central Avenue to 13th Street (472-83758) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

SHADOW WOODS

SHADOW WOODS ADDITION – WEST OF 135TH STREET WEST, NORTH OF MAPLE. (District V)

Agenda Report No. 03-0583.

The City Council approved the project on February 11, 2003.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 271

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Shadow Woods Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$32,000, and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SIERRA HILLS

SIERRA HILLS ADDITION – EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0584.

The City Council approved the project on February 11, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Sierra Hills Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$67,870, and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ART MUSEUM

ART MUSEUM MODIFICATION/EXPANSION PROJECT CHANGE ORDER. (District VI)

Agenda Report No. 03-0585.

On October 17, 2000, the City Council approved an Agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the modification/expansion project for the Wichita Art Museum.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons Construction Co., Inc. to construct the modification/expansion project for the museum, which will add approximately 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The Change Order request for \$63,627.00 is for modifications to the scope of work as recommended by the Owner, Architect, and/or Contractor. Change Order items are as follows:

- Provide an electric remote controlled shut-off valve in the 4" domestic water service.
- Provide revised thresholds at doors 200 A&B and 300 A&B.
- Provide glass shield in Type "C" light fixtures in Kitchen Serving Area.
- Replace the 1" water meter for the lawn irrigation system with a 2".
- Provide magnetic hold opens for four doors and add emergency exit signs as required by the Office of Central Inspection.
- Provide remodel work to create the Art Investigation Gallery.
- Replace existing stainless steel kick plates with new at four pairs of double doors.
- Provide non-woven geotextile fabric under the 6" aggregate sub-base at the brick paver areas in the new plaza.
- Remove the existing combination locks on the employee/volunteer lockers and provide keyed locks.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 272

- Provide all work necessary to extend the sidewalk north of the vacated approach at the northeast corner of the property; terminating in a handicap ramp at Pine Street as required by the Americans with Disabilities Act (ADA).
- Provide plastic laminate surfaces for casework, carpet and accessories in the Art Investigation Gallery.
- Provide remote electric operation of the lock/latch on door 225A (Loading Dock Entrance).
- Remodel the old Museum Director's conference room into a new Board Room.
- Provide granite covers over the unused cup and tray lowerators in the Dining serving line.
- Provide a non-slip pattern for the sacrificial layer of glass over the Chihuly Persian Ceiling.
- Provide temporary enclosure in the opening between Room 317 and 323 for the Tapestry Wall.

The Change Order for \$63,627.00 will be funded from the Private Donations at \$4.5 million portion of the project budget (Project No. 435309, OCA No. 792339). The unencumbered balance is \$394,190.48.

Change Orders over \$10,000 require City Council approval. The Change Order has been approved as to form by the Law Department.

Motion --
-- carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SEWAGE TRTMT.

SEWAGE TREATMENT PLANT NO. 2.

Agenda Report No. 03-0586.

CAS Construction, Inc., was awarded a Contract in the amount of \$8.229 Million to construct modifications to Sewage Treatment Plant #2. During testing of the ultraviolet (UV) equipment supplied by Trojan Technologies, it was determined that headloss across the reactor did not meet specifications. Staff (Water & Sewer and Law Department) have negotiated a settlement of the costs that were incurred by the City, as a result of this problem.

The problems were related to both engineering (CDM) and equipment design (Trojan). Corrective actions recommended by CDM and Trojan were constructed by CAS Construction. After modifications, the UV equipment performed the disinfection function as required, but still did not meet headloss specifications. To compensate the City on the headloss issue and to make the City whole, the City, CDM, Trojan Technologies, and CAS Construction have proposed the following:

- CDM to assume responsibility for \$75,470 in engineering fees.
- Trojan Technologies to pay the City \$66,629 through a deductive change order with CAS
- Trojan Technologies will provide the City 576 replacement lamps over the next three (3) years at no cost. (Value of \$115,200)
- Trojan Technologies will provide four (4) technician site visits of three (3) days duration at no cost at the City's request. (Value of \$14,000)
- Trojan Technologies will provide a performance bond to warrant their performance of the agreement and the modifications made to the equipment.
- CAS Construction will process Change Order No. 4 in the amount (\$66,629) minus \$7,092.94 for automatic resets on grit and main influent pumps, resulting in a net decrease in the Contract of \$59,536.06.

Under terms of this settlement, the City will receive \$271,299 in credits, cash, or durable goods against expenses of \$262,260.

The accompanying Agreements result in a net reduction of \$59,536.06 to Sewage Treatment Plant #2 Improvements (CIP S-513) in the CAS Construction Contract, and a net increase of \$66,629 in the CDM Contract.

Motion --
-- carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 273

COPS GRANT

COPS HOMELAND SECURITY OVERTIME PROGRAM GRANT.

Agenda Report No. 03-0587.

Under the COPS Homeland Security Overtime Program (HSOP), administered by the federal Office of Community Oriented Policing Services, local law enforcement agencies are offered the opportunity to apply for additional officer overtime funding to support community policing and homeland security efforts. HSOP will support programs that increase community safety and security, and reduce public fear. HSOP Grants will supplement locally-funded officer overtime budgets, increasing the amount of overtime funding available for these critical functions.

The Police Department has seen an increase in its overtime expenditures, in part, due to homeland security concerns and also officers called to military reserve duty. The HSOP grant can be used for officer overtime during homeland security training sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes. HSOP funding can also be used to deploy officers on an overtime basis to address the temporary vacancies due to officers on military reserve duty. These funds may only be used for non-supervisory sworn personnel. Agencies may not rely on the availability of HSOP grant funding to reduce the amount of local funds budgeted and expended for officer overtime in their current or future budget cycles. Overtime grants will be awarded for a one-year period.

The grant application requests funding for the payment of 13,000 overtime hours, for a total amount of \$490,868. A local cash match of 25% is required for all HSOP grants, which must be a cash match, made from local, state or other non-COPS funds and may not be paid through reallocating funds otherwise budgeted for specific law enforcement purposes. The City of Wichita will provide the local match of \$122,917.

Motion --
-- carried

Mayans moved that the Grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SHELTER PLUS

GRANT AMENDMENT – 2002 SHELTER PLUS CARE HOUSING CHOICE VOUCHER RENEWAL PROGRAM.

Agenda Report No. 03-0588.

The City of Wichita entered into an agreement with the U.S. Department of Housing and Urban Development for the 2002 Shelter Plus Care Housing Choice Voucher Renewal program. This program provides housing and supportive services for homeless persons with disabilities, primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases. The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the homeless population with disabilities. The term of this Agreement will end May 1, 2004.

Shelter Plus Care funding must be matched by an equal amount of supportive services, which can be provided directly by the local housing authority or by other service providers. ConnectCare, Inc. (ConnectCare), was a local HIV/AIDS service provider, providing case management and other related services to the Shelter Plus Care HIV/AIDS clients. The City received written notice from the President of the Board of Directors of ConnectCare that the agency was no longer in business and ceased operating effective January 24, 2003. However, on January 27, 2003, the Board of Directors of Positive Directions, another local HIV/AIDS service provider, voted unanimously to seek approval from the City and HUD to provide case management services under the Shelter Plus Care program, assuming the workload of ConnectCare, Inc.

The Grant Agreement with HUD stipulates that the agreement may be amended only in writing executed by HUD and the Recipient (City of Wichita). After completing a review of Positive Directions' HIV/AIDS program experience, staffing and financial capabilities, staff sought and received

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 274

the requisite written approval from HUD, authorizing Positive Directions as a new supportive services provider under this grant program.

The execution of the Grant Amendment adding Positive Directions as a service provider is a programmatic change and will not have any financial impact on the program.

Motion --
-- carried

Mayans moved that the Grant Agreement Amendment with HUD for Shelter Plus Care Grant Project Number KS01C202006 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LEPP GRANT

GRANT APPLICATION – LOCAL ENVIRONMENTAL PROTECTION PROGRAM TARGET GRANT FUNDING.

Agenda Report No. 03-0589.

On December 10, 2002, the Council authorized the Department of Environmental Health to apply for a SFY 2003 Local Environmental Protection Program (LEPP) Target Grant from the Kansas Department of Health and Environment (KDHE) to support certain water quality projects and activities in excess of the existing LEPP base grant. KDHE has recently awarded a SFY 2003 Target Grant to the City of Wichita for \$27,000. A revised scope, schedule and budget must be provided and approved by KDHE. KDHE is providing the grant to Sedgwick County for direct pass through to the City of Wichita.

The LEPP Target grant application will enhance the current local water quality effort by providing funding for contract services to determine and document the condition of priority unsewered areas of the City of Wichita. Work performed for the grant will be extended into SFY 2004.

The SFY 2003 Target grant application is for \$27,000, does not require matching funds, and will be extended into SFY 2004.

By interlocal agreements between the City and County, the City is responsible for implementation of the City of Wichita Target grant. The Law Department has approved the grant application as to form.

Motion --
-- carried

Mayans moved that the Grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item 24) ANTI-LITTER

ANTI-LITTER/NUISANCE EDUCATIONAL PROGRAM.

Agenda Report No. 03-0590.

The City is continuing to experience increasing occurrences of littering, illegal dumping, graffiti damage, and vandalism that harms the community's image and causes environmental damage. Moreover, significant costs are being borne by taxpayers, approximately \$1.6 million by the City last year alone, collecting and disposing of litter/debris, removal of graffiti, and repairing vandalism to public property.

These factors support a continuation of the City's actions to increase its efforts to raise the community awareness of the costs and destruction created from littering, illegal dumping, and vandalism by continuing the "Don't Trash Wichita" Campaign. This campaign first started in two years ago and consisted of: ordinance revisions to increase penalties for littering, illegal dumping, and vandalism offenses; education campaign to promote prevention and awareness; and greater emphasis on partnerships with neighborhood and community groups to increase volunteer clean-up activities. The initial phases of this program have been successful based on the results of the initial efforts, but much more is needed to achieve more community involvement to reduce the occurrences and lower these cleanup and repair costs to taxpayers – and, ultimately result in a much improved living environment.

The City Council approved the initial campaign for "Don't Trash Wichita" in 2001. The Greteman Group was retained to assist Staff in developing and implementing this marketing effort. Staff is proposing to continue into the second phase of the campaign with continuing services, including: media

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 275

buys, promotional clean-up opportunities, and tactical assistance in promoting the neighborhood reporting action "hotline."

The City Council approved funding in the current 2003-2004 budget for the "Don't Trash Wichita" Campaign. A total allocation of not to exceed \$20,000 is programmed for this year's effort.

Council Member Gray Council Member Gray stated this campaign may have had an impact in Wichita and its citizens – but not necessarily a good impact. The campaign has not been successful. Most people know not to do graffiti and other littering, etc. The cost of this campaign could be better used toward cleanup rather than on campaign expenses.

Motion -- Gray moved that this Item not be approved. Motion carried 6 to 1. Brewer – No.

PUBLIC EXIGENCY PUBLIC EXIGENCY PROJECT – SANITARY SEWER REPAIRS.

Agenda Report No. 03-0591.

Sewer Maintenance has reported a sanitary sewer pipe collapsing on an outside drop at a manhole located on the north property line of 7200 W. 11th Street North. When a pipe of a higher elevation meets a pipe of a much lower elevation at a manhole, the flow from the higher pipe "drops" outside of the manhole wall and allows the flow to enter the manhole at a level that will not deteriorate the inside of the manhole. The sewer main is approximately 13 ft. deep with the outside drop going to approximately 20 ft. deep at the manhole wall. The depth of this repair is beyond the capability of the Sewer Maintenance Division's excavation equipment and shoring materials.

Staff contacted nine (9) contractors for bids, with two responding. W.B. Carter Construction submitted the lowest bid of \$33,231. The City Manager approved proceeding with the project on May 7, 2003.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,850,000 for 2003. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City code 2.64.020.5 (Public Exigency) authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion -- carried Mayans moved that the public exigency be affirmed. Motion carried 7 to 0.

WATER APP. APPLICATIONS FOR WATER AND SEWER SERVICE OUTSIDE THE CORPORATE LIMITS.

Agenda Report No. 03-0592.

City water and sewer were both extended to serve the site at 4600 South Clifton. The property owner is requesting, and will not oppose, future annexation into the City in order to connect to City water and sewer services. The subject property is directly east of the Oaklawn Improvement District, not adjacent to the current City limits. If approved by City Council, the Planning Department will then determine whether to do an "island" annexation.

There are no financial considerations.

Motion -- Mayans moved that the applications be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 276

PROPERTY ACQ. 7500 EAST KELLOGG. (District II)

Agenda Report No. 03-0593.

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. The City acquired the property at 7500 East Kellogg in March 2002 subject to a long-term lease with Hancock Fabrics. Hancock occupies 13,900 square feet in the 133,000 square foot facility. The City paid for and acquired only the owner's interest. Hancock has been paying market rent since the acquisition.

Hancock's leasehold interest, leasehold improvements and relocation costs were valued at \$890,000 by the City. Hancock originally sought \$1,500,000. This was later lowered to \$1,250,000. Upon review of lease comparables and actual costs, they agreed to the City value. The tenant will vacate by July 31, 2003 and will pay rent until that time. They are the last tenant in the center. The property will be demolished in preparation for the highway project upon their vacation.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$890,000 is requested. This includes \$740,000 for the lease termination and \$150,000 for relocation of furniture, fixtures, and equipment, costs of reestablishment and site search. .

Motion --
-- carried

Mayans moved that the budget and Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPRETY DISP. SALE OF SURPLUS PROPERTY - REMNANT NEAR NORTHWEST CORNER OF GREENWICH ROAD AND KELLOGG DRIVE. (District II)

Agenda Report No. 03-0594.

An offer has been received for the City-owned tract of vacant land located in the northeast quadrant of Kellogg and Greenwich Road. The tract was acquired in 1999 as the site of a proposed sewer lift station. The acquisition and incorporation into the City system of the Four-mile Creek system eliminated the need for the lift station. The site is rectangular and contains 11,780 square feet. It is located behind an existing retail development approximately 180 feet west of Greenwich Road and 250 feet north of Kellogg. Access is to Greenwich across the back of the retail development. There is a large drainage ditch on the north and west sides of the parcel.

The owner of the retail property east of the site has offered to acquire the site for \$50,000 (\$4.25 per square foot). This equates to what he paid for his site. His property is developed with a restaurant, convenience store and car wash. He intends to utilize site to add another bay to the car wash and increase overall site parking and efficiency. This site has not been marketed because of lack of access, small size and lack of visibility. The only viable user would be the adjacent landowner. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 277

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-0595.

On May 5, 2003, the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 3028 East Maplewood	I
b. 2215 North Kansas	I
c. 2632 North Hillside	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Mayans moved that the Resolutions setting the public hearing on July 15, 2003 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-264

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 20, Block 14, Shadybrook Addition, Sedgwick County, Kansas, known as 3028 East Maplewood, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-265

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 5, Block J, Millair Addition, Wichita, Sedgwick County, Kansas, known as 2215 North Kansas, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-266

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 29-31, Block 1, College Crest Addition, Wichita, Sedgwick County, Kansas, known as 2632 North Hillside, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 278

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 20, 2003)

a) DR2001-03 – McAdams Neighborhood Revitalization Plan – south of 17th Street, west of Hydraulic, north of Central, east of Mosley. (District I)

ORDINANCE NO. 45-726

An Ordinance adopting the McAdams Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

b) Agreement for design services - 2003 arterial street, bridge, and waterline replacement. (Districts II, III, V, and VI)

ORDINANCE NO. 45-727

An Ordinance declaring the Oliver Street Bridge at Gypsum Creek (472-83746) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

ORDINANCE NO. 45-728

An Ordinance declaring the Central Avenue Bridge at Gypsum Creek (472-83748) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

ORDINANCE NO. 03-729

An Ordinance declaring 29th Street North, from Tyler to Ridge (472-83751) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

ORDINANCE NO. 45-730

An Ordinance declaring 29th Street North, from ½ mile east of Ridge to West Street (472-83753) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

ZON2003-00014 – north of Sunnybrook, east of Rutan. (District III)

ORDINANCE NO. 45-731

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted on second reading. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 279

PLANNING AGENDA

Dale Miller, Acting Director of Planning, said all items except 31b could be taken as consensus items.

Fearey moved that the Planning Agenda, except 31b, be approved as consent Items. Motion carried 7 to 0.

VAC2003-00005

VAC2003-00005 – PLATTED ALLEY RIGHT-OF-WAY – BETWEEN MARKET AND MAIN, AND PINE AND MURDOCK STREETS – MUNGER’S ORIGINAL TOWN ADDITION. (District II)

Agenda Report No. 03-0596.

The applicants are requesting the vacation of the 20-foot alley that abuts Lots 66-84 even and Lots 57-75 odd, Munger’s original Town Addition for the future development of their 911 Communications Facility. The Munger’s Original Town Addition was recorded in Butler and Sedgwick counties in 1870.

The northern approximately 1/3 of the alley was previously vacated 09-21-2000: case VAC2000-00040. This current vacation will remove the remaining approximately 2/3 of the alley between Pine – Murdock – Main – Market as public ROW. There are utilities in the alley and the vacated alley will be remained as a utility easement. The applicants have all signatures of the all abutting property owners agreeing to vacate the alley.

No one spoke in opposition to this request at the MAPC’s advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, retain the 20-foot alley as a utility easement and provide guarantee the closure of the alley return or modify the alley to driveway standards.

Motion --
-- carried

Fearey moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item 31b)

VAC2003-00008

VAC2003-00008 – PLATTED 30-FOOT SETBACK – NORTHEAST OF THE 31ST STREET NORTH/AMIDON AVENUE INTERSECTIONS – 3225 COOLIDGE. (District VI)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0597.

The applicant is requesting vacation of a portion of the platted 30-foot setback of Lot 15, Block 1, Wilfred E Wheelers Replat, 3225 Coolidge. The Wilfred E Wheelers Replat Addition was recorded 03-14-1950.

The proposed carport will encroach 14-feet, with a width of 12-feet into the platted 30-foot setback. The UZC has a minimum 25-foot setback for the SF-5 zoning district. Planning Staff recommends approval to vacate only that portion of the 30-foot setback as described in the legal description and that a Restrictive Covenant be recorded with the Register of Deeds. The Restrictive Covenant would allow the carport to encroach into the platted front setback as described in the metes and bound description. The covenant would be in effect for the time when vehicles with disability tags would be using the carport. When the vehicles with disability tags are not being used, the carport becomes an illegal nonconforming structure and must be demolished within 60 days of the end of its use for vehicles with disability tags.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 280

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds and file a Restrictive Covenant with the Register of Deeds.

Motion --

Fearey moved that the Vacation be approved and the necessary signatures be authorized; and a mailing to residents within a two-block area be done to explain the special circumstance and to request City notification if an observation is made that the vacation is not being used as originally intended. Motion carried 7 to 0.

-- carried

VAC2003-00010

VAC2003-00010 – PLATTED DRAINAGE/UTILITY EASEMENT – SOUTHWEST OF THE KELLOGG/WOODLAWN INTERSECTION. (District II)

Agenda Report No. 03-0598.

The applicant is requesting that a 10-foot wide (x) 60-foot long portion of a 105-foot (east end) to 80-foot (west end) wide platted drainage-utility easement be vacated. The applicant proposes to build 40-foot (x) 25-foot freestanding building in the encroached area, which is on Lot 14, Block E, AJ Christman 3rd Addition. The AJ Christman 3rd Addition was recorded 08-27-1953.

The 35- foot portion of the platted easement runs parallel to the north property line of Lot 14, Block E, AJ Christman Addition, 6340 Eastwood Avenue. The applicant is proposing to build a as part of expansion of the existing church. There is drainage pipe in the easement, but no sewer at this location. There is no water or other utilities located in the easement. Storm Water Management recommends vacation of the easement only where there is an encroachment into it as given in the metes and bounds legal description.

There was one speaker in opposition to this request at the MAPC's advertised public hearing. The MAPC noted that the speaker's opposition was to the proposed aesthetics of the building and not the encroachment. The MAPC informed the speaker that Strom Water Management had instructed Staff and the MAPC that the proposed encroachment would not adversely effect the drainage of the area. The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --

Fearey moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

VAC2003-00011

VAC2003-00011 – ACCESS EASEMENT DEDICATED BY SEPARATE INSTRUMENT – SOUTHEAST OF MURDOCK AND MARKET. (District I)

Agenda Report No. 03-0599.

The applicants are requesting the vacation of the access easement from the alley to Market, as dedicated by separate instrument. The Munger's Original Town Addition was recorded in Butler and Sedgwick counties in 1870.

The dedication was recorded with the Register of Deeds, 12 -2000, film 2123, page 0401. The dedication was a condition of VAC2000-40, which was a request to vacate the northern 1/3 of the alley. VAC2000-40 was approved by the MAPC at their 09-21-2000 meeting. The rest of this alley was vacated by VAC2003-05, which was approved by the MAPC at their 04-10-03 meeting. The elimination of the alley as public ROW made the access easement unnecessary, hence the request.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 281

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2003-00013

VAC2003-00013 – PLATTED UTILITY EASEMENT – EAST OF BROADWAY, NORTH OF 50TH STREET SOUTH. (District III)

Agenda Report No. 03-0600

The applicant is proposing a building that will encroach into the platted 10-foot easement located on the north side of Lot 2, Block 1, Florence Addition. The Florence Addition was recorded with the Register of Deeds 05-13-1985.

There are no sewer, water or other utilities in the easement. There is a Lot Split associated with this case. Sewer and water will have to be extended to the site(s).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2003-00014

VAC2003-00014 – PLATTED EASEMENT – NORTHWEST OF THE WEST STREET/PAWNEE/K-42 INTERSECTION. (District IV)

Agenda Report No. 03-0601.

The applicant proposes the vacation of the platted 20-foot utility easement that is located between Lots 9 & 8, Pawnee & West Industrial Park 2nd Addition. The Pawnee & West Industrial Park 2nd Addition was recorded with the Register of Deeds 04-25-1995.

The applicant wishes to release the land from the conditions of the easement. There are no sewer, water or other utilities in the easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 282

SUB2000-65

SUB2000-65 – PLAT OF WOODS EDGE ADDITION – NORTH OF CENTRAL, WEST SIDE OF 119TH STREET WEST. (District V)

Agenda Report No. 03-0602.

This is unplatted site consists of 3 Lots (1.83 acres) and is located in the City of Wichita. Municipal facilities are available to serve the site.

A Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the document and Plat be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2002-35

SUB2002-35 – PLAT OF CHANG AND ARENSBERG SECOND ADDITION – SOUTH SIDE OF KELLOGG, EAST OF HILLSIDE. (District III)

Agenda Report No. 03-0603.

This site consists one lot (.85 acres), and is the final portion of an overall preliminary plat of Chang and Arensberg Addition. The overall preliminary was approved on January 6, 2000, and the first phase (consisting of the south portion of the site) was approved February 27, 2001. A zone change (ZON 2002-12) from street right-of-way and "TF-3" Two-Family Residential District to "GO" General Office District, was approved May 7, 2002, subject to platting within one year. Municipal facilities are available to serve the site.

Since this is a commercial plat adjacent to a non-arterial street, a sidewalk is required along Orme. A Sidewalk Certificate has been provided. A Cross-Lot Access Agreement has also been provided in accordance with the zone change approval.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Sidewalk Certificate and Cross-Lot Access Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and Plat be approved; the necessary signatures be authorized; and Ordinance for ZON2002-12 be placed on first reading. Motion carried 7 to 0.

ORDINANCE

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. ZON2002-12

SUB2002-132

SUB2002-132 – PLAT OF GRACE PARK ADDITION – NORTH OF HARRY, EAST OF GREENWICH ROAD. (District II)

Agenda Report No. 03-0604.

This 10.5 acre site, consisting of 29 lots, is a replat of a portion of the Windsor Park Addition and is located in the City. The zoning is SF-5, Single-Family Residential District.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 283

Petitions, all 100%, for sewer, water and paving improvements, and a Certificate of Petitions was submitted. A Restrictive Covenant has been submitted to provide for off-street parking for lots adjacent to narrow streets, requiring that four (4) off-street spaces be provided for each such lot. Since this plat proposes platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements. Also, a Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves. An off-site right-of-way Dedication was also submitted in order to provided access to Lincoln.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants and Dedication will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-274

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89842, (north of Harry, East of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-275

Resolution of findings of advisability and Resolution authorizing improving of Lateral 352, Four Mile Creek Sewer, (north of Harry, East of Greenwich) 468-83654, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-276

Resolution of findings of advisability and Resolution authorizing improving Bedford Ct. at the northeast corner of Lot 4, Block 4, Windsor Park Addition, and a cul-de-sac on Bedford ct. at the east line of Lot 8, Block 4, Windsor Park Addition, and cub to gutter paving on Bedford from the south line of Bayley to Lincoln. Sidewalk along the east side of Bedford from Bayley to Lincoln, (north of Harry, east of Greenwich) 472-83797, (north of Harry, East of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-277

Resolution of findings of advisability and Resolution authorizing improving Bayley, Rue, and Lynnae Lane from the east line of Bedford Ct. to the northeast line of Bayley, including the cul-de-sac to serve Lots 7 through 10, Block C (north of Harry, East of Greenwich) 472-83798, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 284

SUB2003-13

SUB2003-13 – PLAT OF POWER CDC THIRD ADDITION – NORTH SIDE OF 26TH STREET NORTH, WEST OF GROVE. (District I)

Agenda Report No. 03-0605.

This unplatted site consists of 30 lots (11.25 acres) and is located within the City. The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

Petitions, all 100%, have been submitted for water, paving and sewer improvements. A Certificate of Petitions has been provided. A Restrictive Covenant allowing off-street parking and requiring that four (4) off-street spaces be provided for each such lot adjacent to narrow streets has been provided. This Restrictive Covenant also provides for the ownership and maintenance of the reserves and prohibits the use of water wells on the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days..

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-278

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89823 (north of 26th Street North, west of Grove) 448-89823, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-279

Resolution of findings of advisability and Resolution authorizing improving of Lateral 41, District T, Sanitary Sewer No. 12, (north of 26th Street North, west of Grove), 468-83627, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB2003-21

SUB2003-21 – PLAT OF AUBURN HILLS 14TH ADDITION – WEST OF 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 03-0606.

This 18.8 acre site, consisting of 50 lots, is a replat of a portion of the Auburn Hills 12th Addition and is located in the City. Due to the reconfiguration of the lots, a respread agreement for special assessments has been provided. This site is zoned SF-5, Single-Family Residential District.

A Restrictive Covenant has been submitted to provide for off-street parking for lots adjacent to narrow streets, requiring that four (4) off-street spaces be provided for each such lot. Since this plat proposes platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements. Also, a Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants will be recorded with the Register of Deeds.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 285

Motion --
-- carried

Fearey moved that the documents and Plat be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

SUB2003-26

SUB2003-26 – PLAT OF NORTHLAKES COMMERCIAL ADDITION – SOUTH SIDE OF 53RD STREET NORTH, WEST OF MERIDIAN.

Agenda Report No. 03-0607.

This 9.3 acre site, consisting of one (1) lot, is an unplatted site located in the County within three (3) miles of Wichita's boundary. On October 23, 2002, the Sedgwick County Commission approved the county zone change (ZON 2002-53) from "SF-20", Single-Family Residential District to "OW", Office Warehouse District. Also, a Protective Overlay (P-O #116) addressing outside storage, on-site sewage, screening and parking was approved subject to platting.

Petitions, all 100%, have been submitted for future sewer and water improvements. A Certificate of Petitions has been provided. Since neither sanitary sewer nor municipal water is available to serve this property, a Restrictive Covenant has been provided that prohibits non-domestic wastes on the site, in addition to limiting the site to the use of an alternate sewage system until public sewer is available.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-280

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89843 (west of Meridian, south of 53rd Street North, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-281

Resolution of findings of advisability and Resolution authorizing construction of Lateral 107 Sanitary Sewer No. 23, (west of Meridian, south of 53rd street North) 468-83655, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ZON2003-00021

ZON2003-00021 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – SOUTHWEST OF THE MARKET/MURDOCK INTERSECTION. (District VI)

Agenda Report No. 03-0608.

The applicant is seeking "GC" General Commercial zoning for Lots 71 and 73, Munger's Original Town Addition, located southwest of the Market Street and Murdock Street Intersection. The lots are currently zoned "B" Multi-Family Residential and are vacant or part of a public access easement. Rezoning the lots will give the applicant the same zoning for its property on this block.

The site is part of a block wide area with all but the southeast corner (120-feet x 132-feet) of it zoned "GC". The southeastern corner is zoned "B" and is developed as a private parking lot for Eby

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 286

Construction, which abuts Pine and Market Streets. There are two office buildings on the block with the most recent development being the applicant's, the Wichita Area Builders Association (WABA), building on the north end. The office faces Main Street with its parking located to the east, south and southeast of the building. The other office building is located in the southwestern third of the block, faces Main Street, with parking in the front of the building and on its north side. A private parking lot for Utility Contractors is located on the southwest end of the block and abuts Main and Pine Streets. There are two undeveloped sites also located in the block.

The north to south alley that had connected Murdock (north) to Pine (south) has had its northern one-third vacated by the applicant (VAC2000-40). Sedgwick County is in the process of vacating (VAC2003-05) the remaining two-thirds of the alley. The applicant has filed a request to vacate a public access easement (VAC2003-11) that was a condition of vacating the northern one-third of the alley. Parts of both of these lots being considered for rezoning today form the public access easement to Market Street. The MAPC recommended Sedgwick County's zoning request (ZON03-08) from "B" to "GC" on the three lots (Lots 65, 67 and 69, Munger's Original Town Addition) immediately south of the site, at their 04-10-2003 meeting; prior to the applicant's current request for rezoning, the Sedgwick County request was the most recent zoning activity in the immediate area*.

The area around the site is developed predominately as office with commercial zoning and some "B" zoning. Single-story and two-story offices are north of the area. West of the area are offices, for Sedgwick County (with multi-story parking), the Red Cross, and Fire Station #1. South of the area are a vacant commercial building, Eby Construction's office and Utility Contractors' office. In this southern area there are several structures that have National Historical Site Status, including the Ark Valley Lodge and the Old Sedgwick County Courthouse. The site is outside their historical buffer area. There are single-story offices and older apartments east of the site's area, across Market Street.

At the DAB VI hearing on May 5, 2003, DAB VI made a motion to pass on viewing this case due to its similarity to case ZON2003-00008 (see paragraph 3, last 4 lines*), which was recommended for approval by DAB VI, 9-0, at their April 8, 2003 meeting. At the MAPC hearing on May 8, 2003, the MAPC voted 11-0 to recommend approval of the request. No one spoke in opposition to the requested zoning change and there have been no written protest received.

Motion --
-- carried

Fearey moved that the zone change be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. ZON2003-00021

CUP2003-15

CUP2003-15 (ASSOCIATED WITH ZON2003-16) – CREATE DP264 LOUIS DEVELOPMENT COMMUNITY UNIT PLAN AND ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – NORTH OF 13TH NORTH, EAST OF 135TH STREET WEST. (District V)

Agenda Report No. 03-0609.

The applicant is requesting to create DP-264 Louis Development Community Unit Plan. The property would be divided into two large parcels. Parcel 1, consisting of eight acres abutting 13th Street North, would be zoned "LC" Limited Commercial. Parcel 2, with 12 acres, would be zoned "SF-5" Single-family but would allow multi-family structures so long as the overall density of the development did not exceed one dwelling unit per 5,000 square feet. The maximum number of units would be 104. Currently the eastern half of the property is in the city of Wichita and the western half is in the unincorporated area of Sedgwick County.

The general provisions for Parcel 1 generally correspond to the development pattern specified in the Far West Policy, with the exception that no limitation is included for the size of individual uses and the

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 287

architectural provisions require compatibility within the parcel but do not require use of residential type materials.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 35 feet. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita, lighting limited to 14 feet within 200 feet of residential zoning and residential areas, building, and monument type signage with a maximum height of 20 feet.

The property is on the fringe of current development. The property to the south is zoned "SF-5" Single-family Residential and being developed with Hickory Creek Estates and Liberty Park Addition. Two churches are located on the abutting property to the east and west. Both properties are zoned "SF-5". The church property to the west would have been the likely location for a request for commercial use. Also the property to the southwest is zoned "SF-20" and developed with a KGE substation. DP-231 Copper Gate is located on the northwest and southwest corners of the intersection of 135th Street West and 13th Street North. This is a 17-acre tract zoned "LC" and approved for commercial development. Property to the north and northeast is held in larger, suburban residential tracts, mostly zoned "SF-20".

At the District V Advisory Board meeting held May 5, 2003, three citizens were present to speak and ask questions about the proposed development. Concerns were raised about the need to pave the road to urban standards and improve the bridge. The District Advisory Board voted (6-1) to approve subject to staff comments with the additional limitation of reducing the acreage for commercial use by one acre in order to cap the amount of commercial use at the intersection of 135th Street West and 13th Street North to a total of 24 acres.

At the MAPC meeting held May 9, 2003, MAPC voted to approve (11-0) subject to platting, subject to other recommendations of staff, including reduction of the parcel for LC zoning by one acre and revising the legal description to correspond with the new LC parcel boundaries.

Motion --

-- carried

Fearey moved that the zone change and C.U.P. be approved subject to platting within one year and the recommended conditions; and the ordinance be forwarded for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

A03-13

A03-13 – ANNEX LAND LOCATED ADJACENT AND NORTH OF 29TH STREET NORTH, EAST OF NORTH MAIZE ROAD; AND SEGMENTS ON 29TH AND 37TH STREETS NORTH. (District V)

Agenda Report No. 03-0610.

The City has received a request to annex a 0.96 acre strip of land situated immediately north and adjacent to 29th Street North, east of N. Maize Road. The site abuts the City of Wichita to the southwest. The property owner has consented to annexation of this 40 foot wide strip in order to allow the City of Wichita to receive State funding to complete proposed improvements to 29th Street North. The City of Wichita is also annexing that portion of 29th Street North adjacent to the annexation request area, as well as portions of 37th Street North located east of N. Tyler Road and west of N. Ridge Road.

Land Use and Zoning: The annexation area is presently in residential farmstead and agricultural use, and zoned "SF-20" Single Family Residential. Lands surrounding the proposed annexation parcel to the south are currently in agricultural use and zoned "SF-20" Single Family Residential. Lands to the east, west and north are in agricultural use and large-lot residential use, and also zoned "SF-20" Single Family Residential. The "SF-20" Single Family Residential zoning of the annexation parcel will convert to "SF-5" Single Family Residential upon annexation.

Public Services: Wichita water and sanitary sewer service is readily available to the annexation area.

Street System: The property requested for annexation has access to N. Maize Road (four-lane paved surface road) that serves the area as the nearest north-south arterial road, and 29th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial road. . The 2002-2011 City of Wichita Capital Improvement Program has identified future rebuilding and urban paving improvements

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JUNE 3, 2003

PAGE 288

to 29th Street North from N. Maize Road to N. Tyler Road at a cost of \$3,675,000, with construction scheduled for 2004.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a six (6) to seven (7) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The nearest park is Sunset Park, located approximately two (2) miles southeast of the annexation site. A paved bike path is located one (1) mile to the south along 21st Street North.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan. Adopting the annexation ordinance on this day of its introduction would be in the best interests of the City of Wichita.

The current approximate appraised and assessed value of the proposed annexation property is negligible due to the small area of agricultural land being annexed.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Fearey moved that the annexation and first reading of the Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-13

EXECUTIVE SESSION

Motion --

Mayans moved that the City Council recess and move to executive session at 12:10 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and matters relating to employer-employee negotiations; and that the City Council reconvene in the Lobby of the City Council Offices no earlier than 12:40 a.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 12:10 p.m. and returned at 12:45 p.m.

Motion --

Mayans moved that the City Council return to executive session at 12:46 p.m. to consider matters relating to employer-employee negotiations; and that the City Council reconvene in the lobby of the City Council Offices at 1:01 p.m. Motion carried 4 to 0. (Lambke, Martz, Schlapp absent)

RECESS

The City Council recessed at 12:46 p.m. and returned at 1:01 p.m.

Mayor Mayans

Mayor Mayans announced that no action was necessary as a result of the executive session.

Adjournment

The City Council meeting adjourned at 1:02 p.m.

Pat Graves, CMC
City Clerk